

**MINUTES**  
Planning and Zoning Commission & Architectural Board of Review  
City of Willoughby Hills, Ohio

November 2, 2017

**CALL TO ORDER**      7:00 P.M

**PRESENT:**                      Chairman Christopher Smith, Vice Chairman John Lillich, Mayor Robert Weger, Councilman Christopher Hallum and Michael Kline

**ABSENT:**                      Jonathan Irvine

**ALSO PRESENT:**              City Engineer Pietro DiFranco, BZA Representative Frank Cihula and Clerk pro tem Marianne Sinkko

**MOTION:**                      John Lillich moved to excuse Jonathan Irvine from tonight's proceedings.  
Seconded by Councilman Hallum  
Voice Vote: Ayes Unanimous  
**Motion Passes: 5/0**

**Correspondence:**

- Letter 9/15/17 from Willoughby Hills BZA RE: BZA Minutes of 8/8/17. Attached.
- Email dated 10/20/17 from City Engineer DiFranco RE: Review for new house at 2518 Maple Hill Dr.
- Email dated 10/20/17 from City Engineer DiFranco RE: 28400 & 28500 Chardon Rd. – Development Plan.
- Email dated 10/20/17 from City Engineer DiFranco RE: 28400 & 28500 Chardon Rd. – Consolidation Plat.
- Email dated 10/20/17 from City Engineer DiFranco RE: 27297 Chardon Rd. - Conditional Use Permit for Game Room

**Disposition of Minutes**                      **Meeting of October 5, 2017**

**MOTION:**                      John Lillich moved to approve the minutes of October 5, 2017.  
Seconded by Mayor Weger  
Voice Vote: Ayes Unanimous  
Motion Passes: 5/0

**Disposition of Minutes**                      **Meeting of October 19, 2017**

**MOTION:**                      John Lillich moved to approve the minutes of October 19, 2017 as corrected.  
Seconded by Mayor Weger  
Voice Vote: Ayes Unanimous  
Motion Passes: 5/0

## **ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:02 P.M.**

No public input

**Public Portion closed at 7:02 P.M.**

1.) ProBuilt Homes

Agent/Contractor: Same

**2518 Maple Hill Dr. – Single Family Home – PPN 31-A-012-H-00-016-0**

Plans stamped received in Building Department 10/23/17

Plans reviewed by City Engineer 10/20/17

Present: Stacey Johnson, ProBuilt Homes

(Smith) We have the plans in front of us, if you would describe the project, the materials and architecture

**Owner/Representative Comments:**

- The house will have white siding, black shutters, white garage door with black hardware and a high gloss black front door in the side lights. The roof and stone will be charcoal gray.
- Since the plans were drawn, we decided to use vertical board and batten siding in the three front gables. That will be included on the plan.

**City Engineer's Comments (DiFranco):**

None

**Board Comments:**

(Smith) Mixing the palette will complement everything.

(Hallum) How will the vertical siding go with the vertical shutters? *The shutters will be black against the siding. If it doesn't look good, we can take the shutters off and wrap the window in aluminum trim.*

(Lillich) ProBuilt includes everything we look for.

(Smith) Do you have a buyer for the house? *No. The last model we built has been sold.*

MOTION: John Lillich moved to approve the plans for the Single Family Home at 2518 Maple Hill Dr. as presented.

Seconded by Christopher Hallum

Voice Vote: Ayes Unanimous.

**Motion Passes: 5/0**

2.) Eastside VW and Mazda

Agent/Contractor: Pruitt Construction, Inc.

**28400 & 28500 Chardon Rd. – Building Demolition & Lighting –**

**PPN 31-A-008-C-00-054-0 and PPN 31-A-008-C-00-055-0**

Plans received in Building Department 9/29/17

Plans reviewed by City Engineer 10/20/17

**Present:** Paul Stoyanoff, Pruitt Construction.

Owner/Representative Comments:

- At the City's request, we have consolidated the two parcels that comprise eastern lot where the building will be demolished with the western parcel.
- I have been coordinating with Mr. DiFranco [City Engineer] on legal and technical issues. Tonight we are requesting the Board's approval to continue with this project. I understand that projects typically require two meetings, but if there are no major objections to this project, I request that we could proceed with demolition of the building before the next meeting because of the weather and time of year.
- Copies of the D-Series LED lighting plan, design and fixtures were distributed.

(Smith) Under Architectural Board of Review, we will look at the architectural aspect of the lighting. Lot consolidation will be reviewed under Planning Commission as to whether Preliminary Approval is appropriate.

(Lillich) I have been suggesting LED lights for a long time.

- The LED fixtures provide more options for shielding and directing light. Instead of one large lamp, there are many small bulbs. LED is an improvement over the metal halo lighting.

(Smith) We have used high intensity LED fixtures in athletic stadiums for quite some time. We just designed 3 new stadiums in Euclid using a similar fixture. It has two advantages. To test the lights, they were turned on and a drone flown up to get a picture of it. The brightly lit stadium looks like it has a dark curtain around it. That is the best cut off I have ever seen. The other advantage is that athletes on the field do not look directly into any one fixture because there are so many small fixtures. In this application, you would not see a bright blinding light when looking at the fixture. If this is the fixture you will use, it is a very good fixture.

City Engineer's Comments (DiFranco):

- The applicant has been very cooperative. This is their second submission of a lighting plan. The first one was revised because it had some spillage. This area is completely developed. There is pavement from property line to property line. All of the buildings in the area have shared access.
- There is existing lighting, particularly in the northwest corner that already spills over the property line. Those fixtures will be replaced with LED. That will probably be an improvement.

Board Comments

(Lillich) I am pleased to see the lighting.

MOTION: John Lillich moved to approve the Building Lighting Plan at 28400 & 28500 Chardon Rd. as presented.  
Seconded by Mayor Weger  
Voice Vote: Ayes Unanimous.  
Motion Passes: 5/0

## **PLANNING COMMISSION**

### **Public Portion opened at 7:14 P.M.**

Dave Fiebig, 3571 Hanna Rd.

I represent the entire City as a Councilman-at-Large and would like to speak in regard to the proposed gambling, conditional use permit. Gambling addiction has doubled since being allowed into our state. The Ohio Legislature has addressed this to some extent. There are some legal challenges as to whether this is a good thing to have. It would affect games like poker in private homes. As a chartered community, we can set our standards. Issues like this can be addressed. Is this a positive development in our community? We have three gambling places in our town. Many of the residents are opposed to this. Many business owners who are in proximity to these places are also opposed because of the parking and the image it brings to our community. I do not want it. Does the Board consider this to be the best and most positive thing for our community going forward? These places are bringing down the image of our community.

Linda Fulton, 2990 Marcum Blvd.

I echo Mr. Fiebig. The City does not need another one of these, especially at Loehmann's. If this is the only thing the Board can come up with at Loehmann's, then the Board needs to get on the Master Plan and change the zoning over there. Retail is not the answer and neither is gambling.

Janet Majka, 2939 Bishop Rd.

I am Councilwoman for District 2. I have concerns about yet another gambling facility coming to the City. Living in that district, I have seen people lingering around after dark, beer cans in the parking lot and what looked like drug deals. That is not a very family-friendly atmosphere. We have all discussed economic development on the west side. This is not part of Loehmann's. It is the former location of a beautiful wedding gown shop. This is not a direction I want. I do not think it is positive or long-lasting. We want long lasting.

I think that Mazda is an example of a long-lasting, positive influence in the community. Mazda has been working on this for a while. I am glad it is moving forward.

### **Public Portion closed at 7:19 P.M.**

#### **1.) Eastside VW and Mazda**

Agent/Contractor: Pruitt Construction, Inc.

**28400 and 28500 Chardon Rd. – Development Plan & Consolidation Plat -**

**PPN: 31-A-008-C-00-054-0 and PPN: 31-A-008-C-00-055-0**

Plans received in Building Department 9/29/17

Plans reviewed by City Engineer 10/20/17

Present: Paul Stoyanoff, Pruitt Construction.

#### **City Engineer's Comments (DiFranco):**

This has been a long process. They first contacted me for a building demolition permit in April, 2017. The applicant has addressed the hurdle of zoning and parcels.

- Question: Is it zoned for a Car Dealership? Yes, a few years ago, a court decision re-zoned it for car dealerships.
- Multiple Parcels: The parcel where the Convenient store was located has already been consolidated and recorded at the County. That is now one parcel instead of two.

- Multiple Ownerships: The Mazda Dealership has different ownerships. The existing dealership has one ownership. Now this additional parcel has a different owner. We required that they put in place a cross-access easement because our Code does not allow parking or sales without a principle use, such as a building. The cross-access easement is in place and it is attached to the deeds. It is only in place for this dealership.
- With that, approval is recommended.

Owner/Representative Comments:

No additional comments.

Board Comments:

(Lillich) Regarding the consolidation of parcels, was the car dealership on multiple parcels? *Mr. DiFranco indicated on the drawing the line between the two parcels.*

(Lillich) Has the City Law Department reviewed the cross-access? *(DiFranco) No.*

(Smith) Could you further explain the purpose of a cross-access easement?

(DiFranco) It gives permission for one parcel to have access to the other parcel crossing the property lines.

(Smith) It is a protection if one owner decides to sell, then the other owner is not landlocked.

(Lillich) Is there any City responsibility involved? *(DiFranco) No, I read through it but I am not a lawyer.*

(Weger) It is already recorded? *(DiFranco) Yes, it is already recorded.*

(Hallum) This process has been in the works much longer than this year. I am happy that everything is falling into place for them.

(Cihula) The 28400 building, the existing car dealership, is 'legal, nonconforming use' zoned B-2. It is also subject to the stipulations of Section 1123 Nonconforming Use of the Code.

(Hallum) At this point, are we just approving the demolition? We are also reviewing the lighting and parking lot. The lighting is already approved. Is there any reason that we should just Final Approve everything?

(DiFranco) No. I would like one final zoning review. Final Approval could be contingent upon that engineering. The updated plans would need to be submitted for review.

(Applicant) I can go ahead with the demolition?

(Smith) There are still some things you need to do.

MOTION: Christopher Hallum moved for Preliminary and Final Approval of the plans as submitted for Building Demolition & Lighting Plan at 28400 & 28500 Chardon Rd. contingent upon the Engineer's Final Review.

Seconded by John Lillich

Voice Vote: Ayes Unanimous.

Motion Passes: 5/0

2.) Brymma Willoughby Hills, LLC.

Agent/Contractor: Steve Greene

**27297 Chardon Rd. – Conditional Use Permit for Game Room, Commercial Recreation, Indoor**

**- PPN 31-A-008-0-00-026-0**

Plans stamped received in Building Department 10/16/17

Plans reviewed by City Engineer 10/20/17

Present: Tony Fernandez, Canton, Ohio

Owner/Representative Comments:

- Information sheet distributed.
- It is a gaming room No chance machines so you know what you are getting. We would also like to serve lunch and dinner and have things like a karaoke night if it is allowed.

City Engineer's Comments (DiFranco):

This would be located in a B-3 high-density, mixed use zoning district. This is considered Indoor Recreation which is a Conditional Use in that district. A Conditional Use requires a Public Hearing, Tonight is just the first step for Preliminary Approval. A Public Hearing would be scheduled. If Preliminary Approval was given, a Public Hearing held and Final Approval given, the City would have to inspect the machines. The Police Department does that. The Fire Department would check the building safety as well as the Lake County Building Department. There are fees associated with Games Rooms in Code 753.

Board Comments:

(Lillich) The applicant mentioned the possibility of serving meals, lunch, dinner. Restaurants have a different set of requirements that would have to be addressed. *We weren't sure. For sure we would have coffee, soda and water.* That is different from serving meals. *We weren't sure if it is allowed.*

(Hallum) We have enough of these, in my opinion. We are trying to improve that area of town. The Shoppes of Willoughby Hills has been purchased by a gentleman who is really trying to bring it back. I am not comfortable putting this in there when his prospective businesses would be seeing what is around. *It will be a very clean and friendly environment.* I do not think it will garnish support from residents, businesses and potential businesses. I agree with the Council people who spoke earlier. I do not think this is the right thing to do.

(Lillich) Personally, I do agree. I do not want to see the area saturated with any one thing. I would also be uncomfortable if the Board denied something that the Code allows. This may be a decision for Council. I would want to review whether we have the authority to do that before we proceed.

(Smith) I agree and I don't agree. Because this is a Conditional Use and because Conditional Use requires that it comes before Planning Commission to judge the appropriateness of use. It is the same reason that schools are put into a residential zone but it is a Conditional Use. In that vein, we do have the authority to pass judgement on whether a use is appropriate or not. However, I agree with you. I would not mind getting a legal opinion on it. As a Board, we do not want to either allow or permit a use that we may give an opposite judgment for in the future because conditions change.

(Lillich) I did not have Conditional Use in mind when I was talking. But I also agree that a business has a place but I do not want to saturate an area with it which would affect future development of the area. I am also mindful of property values and business interests. So I would like to have a legal opinion before going further.

MOTION: John Lillich moved to postpone review of the Conditional Use Permit for Game Room, Commercial Recreation, Indoor at 27297 Chardon Rd. until we have an opinion from the City Law Department. At that time, the applicant will come back before the Board for Preliminary Review.  
Seconded by Christopher Hallum  
Voice Vote: Ayes Unanimous.  
Motion Passes: 5/0

UNFINISHED BUSINESS

Master Plan: I volunteered the services of my company to update what we would do for the Master Plan. The company has been very busy with regular work so progress has been very slow. I apologize for the delay. I really want to do it and we will do it when we can. I will make a report on progress under the Chairman's Report at each meeting.  
(Lillich) I would agree with special meetings.

NEW BUSINESS

None

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT (Hallum)

None

BUILDING COMMISSIONER'S REPORT

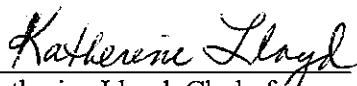
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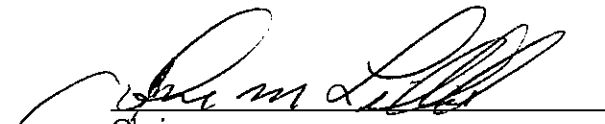
CHAIRMAN'S REPORT

None

MOTION: John Lillich moved to adjourn the meeting.  
Seconded by Christopher Hallum  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0**

Meeting Adjourned at 7:40 P.M.

  
Katherine Lloyd, Clerk for  
Marianne Sinkko, Clerk Pro tem

  
Chairman

16 Nov 2017  
Date Approved